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RCE#

MAIL STOP RCE
PATENT
2001-1076

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Pieter Wilhelmus Johannes SMAK

Conf. 7281

Serial No. 09/720,906

Group 3643

Filed January 2, 2001

Examiner A. Valenti

PLANT TRAY AND CULTIVATION SYSTEM
PROVIDED WITH SUCH A PLANT TRAY

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 16, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under §1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

☐ The enclosed document is being transmitted via facsimile.

09/17/2004 CCHAU1 00000023 09720906

01 FC:2801 385.00 OP

09/17/2004 CCHAU1 00000023 09720906

02 FC:2252 210.00 OP

☒ **Submission Required under 37 C.F.R. § 1.114:**

Enter as part of the present submission:

☐ An After Final Amendment previously filed on _____, under 37 C.F.R. § 1.116 but unentered, in the present application.

☐ Arguments in the Appeal Brief or Reply Brief previously filed on _____.

☒ A Reply in the form of an amendment is attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY FILED	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	NUMBER EXTRA	RATE	FEE
Total Claims	20	20	0	x\$18 =	\$0.00
Independent Claims	3	3	0	x\$86 =	\$0.00
TOTAL CLAIM FEE(S)					\$0.00

☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.

☐ Other:

☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

☒ \$385.00 - small entity

☐ \$770.00 - large entity

☒ The applicant(s) hereby petition(s) for an extension of two (2) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$210.00 is

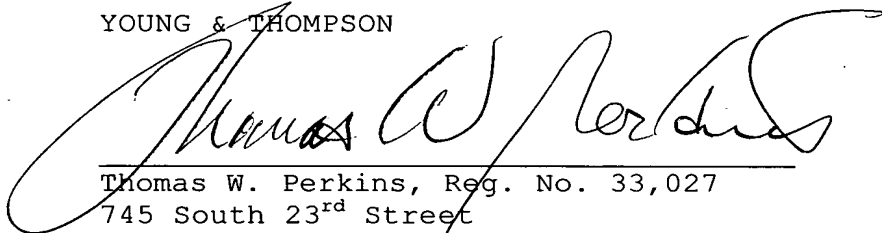
required for the full period of the above-requested extension of time.

- ☐ An extension of () month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) extension.
- ☒ Enclosed is a check in the amount of \$595.00 for the applicable filing fee, additional claims fee, and/or extension fees.
- ☐ Please charge Deposit Account No. 25-0120 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

YOUNG & THOMPSON



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(703) 979-4709

TWP/lk

Attachment



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AMENDMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 16, 2004

Sir:

In response to the Office Action mailed April 19, 2004,
please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing
of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.